

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 7, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 177, A bill to be entitled "An Act to provide adequate facilities for the operation of the Department of Petroleum Engineering now being conducted in connection with and as a part of the Agricultural and Mechanical College of Texas; prescribing the courses of instruction, the purposes and the field of operations of this Department; making provision for appointment for members of the faculty, their compensation, and the purchase of additional necessary equipment; fixing the qualifications of the students and relating the rules and regulations governing same; authorizing annual short courses for oil field workers to be conducted by the Department, designating the places for holding such short courses and defining the methods of their conduct; placing State-owned lands available for such purpose at the disposal of the Department for their field operations; providing for the commercial development of such lands and the apportionment of the profits arising therefrom in the event of oil or other minerals discovered by the Department, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 7, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 493 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

SEVENTY-THIRD DAY.

(Monday, May 10, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

The following Senator was absent and excused:

Davis

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Friday, May 7, 1937 was dispensed with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on Senate Concurrent Resolutions Nos. 64, 62, and 63, on House Concurrent Resolutions Nos. 117 and 120 and on House Bills No. 1150, and 976 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Leave of Absence Granted.

Senator Davis was granted leave of absence for today, on account of important business, on motion of Senator Brownlee.

Senate Bill on First Reading.

The following (local) bill was introduced, read first time and referred to the Committee on Finance:

By Senator Sulak:

S. B. No. 513, A bill to be entitled "An Act providing relief for the

Vienna Common School District No. 50 in Lavaca County in replacing and repairing damage to buildings and equipment caused by a calamitous flood resulting from a cloudburst on July 1st, 1936, making an appropriation for said districts to replace and repair such damage, and declaring an emergency."

Senate Concurrent Resolutions Nos. 63 and 64.

Senator Stone offered the following resolutions:

S. C. R. No. 63, Authorizing National Biscuit Company to sue the State.

S. C. R. No. 64, Authorizing Trinity Portland Cement Company to sue the State.

The resolutions were read severally, and referred by the President to the Committee on State Affairs.

Senate Resolution No. 88.

Senator Woodruff offered the following resolution:

Be It Resolved, That the distinguished former Senator from Denton County, the Hon. Geo. M. Hopkins, who is in the Capitol, be invited to address the Senate and be accorded the privileges of the floor.

The resolution was read.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Accordingly, the President appointed Senators Neal, Woodruff and Aikin to escort Hon. George M. Hopkins to the President's stand.

Senator Woodruff presented Hon. George M. Hopkins, who addressed the Senate briefly.

Request of House Granted.

Senator Moore, by unanimous consent, moved to reconsider the vote by which the Senate refused to grant the request of the House for a free conference committee on H. B. No. 1131.

The motion to reconsider prevailed.

Senator Moore by unanimous consent, withdrew the motion that the request of the House be refused.

Senator Moore moved that the request of the House for a free conference committee to adjust the differences between the two Houses on the bill be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following Conference Committee on the part of the Senate:

Senators Moore, Burns, Van Zandt, Isbell and Weinert.

House Joint Resolution No. 26 on Final Passage.

Senator Van Zandt called up, for consideration at this time, the motion to reconsider the vote by which H. J. R. No. 26, to authorize the State to grant assistance to the blind and certain others, was passed on May 5, 1937; which motion to reconsider was made duly and spread upon the Journal.

The motion to reconsider prevailed.

The President then laid the resolution before the Senate, on its final passage.

Senator Van Zandt offered the following amendment to the resolution:

Amend H. J. R. No. 26 by striking out all below the resolving clause, and substitute in lieu thereof the following, to-wit:

Section 1. That Article 3 of the Constitution of the State of Texas as amended by adding thereto a Section to be known as Article 51-c which shall read as follows:

"Sec. 51-c. The Legislature shall have the power by General Laws to provide, under such limitations and regulations and restrictions as may by the Legislature be deemed expedient for assistance to the needy blind over the age of twenty-one (21) years and for aid to destitute dependent children under the age of sixteen (16) years, and for the payment of same not to exceed Fifteen (\$15.00) Dollars per month each in case of needy blind, and not exceed Twelve (\$12.00) Dollars per month each for destitute dependent children, or if there is more than one

needy dependent child in the same home, not to exceed Twelve (\$12.00) Dollars per month for one such destitute dependent child and Eight (\$8.00) Dollars per month for each of the other destitute dependent children, and in no instance shall the total exceed Thirty (\$30.00) Dollars per month to any one family; such assistance or aid to be granted only to actual bona fide citizens of Texas; provided that no habitual criminal and no habitual drunkard and no inmate of any State supported institution, while such inmate, shall be eligible for such assistance to the needy blind or aid to destitute dependent children; provided, further, that the requirements for the length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for assistance to the needy blind and continuously for one year immediately preceding such application; provided further that the Legislature may impose residential restrictions as they may deem expedient for aid to destitute dependent children.

"The Legislature shall have the authority to accept from the Government of the United States such financial aid for assistance to the needy blind and aid to destitute dependent children as that Government may offer not inconsistent with the restrictions hereinabove provided."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas on the fourth Monday in August, 1937, at which election all voters favoring the proposed Amendment shall write or have printed on their ballots the following words:

"For the amendment to the State Constitution providing for aid to needy dependent children under the age of sixteen (16) years, and assistance to the needy blind over the age of twenty-one (21) years."

Those voters opposing said proposed Amendment shall write or have printed on their ballots the words:

"Against the Amendment to the State Constitution providing for aid to needy dependent children under

the age of sixteen (16) years, and assistance to the needy blind over the age of twenty-one (21) years."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution for Amendments thereto.

Sec. 4. The sum of Five Thousand (\$5,000) Dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—17.

Alkin	Roberts
Brownlee	Shivers
Collie	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Nelson	Westerfeld
Oneal	Winfield
Pace	

Nays—6.

Beck	Holbrook
Burns	Neal
Head	Woodruff

Absent.

Cotten	Redditt
Hill	Small
Newton	Stone
Rawlings	

Absent—Excused.

Davis

Senator Roberts offered the following amendment to the resolution as amended:

Amend H. J. R. No. 26 by striking out all below the resolving clause and inserting in lieu thereof the following:

Section 1. That Article III of the Constitution of the State of Texas as amended by adding thereto a Section to be known as Article 51-c which shall read as follows:

"Sec. 51-c. The Legislature shall have the power by General Laws to provide, under such limitations and regulations and restrictions as may by the Legislature be deemed expedient for assistance to the needy blind over the age of twenty-one (21) years, and for the payment of same not to exceed Fifteen Dollars (\$15) per month per person; such assistance or aid to be granted only to actual bona fide citizens of Texas; provided that no habitual criminal and no habitual drunkard and no inmate of any State supported institution, while such inmate, shall be eligible for such assistance to the needy blind over the age of twenty-one (21) years; provided, further, that the requirements for the length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for assistance to the needy blind over the age of twenty-one (21) years; and continuously for one year immediately preceding such application.

"The Legislature shall have the authority to accept from the Government of the United States such financial aid for assistance to the needy blind over the age of twenty-one (21) years, as that Government may offer not inconsistent with the restrictions hereinabove provided."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas on the fourth Monday of August, 1937, at which election all voters favoring the proposed Amendment shall write or have printed on their ballots the following words:

"For the amendment to the State Constitution providing for assistance to the needy blind over the age of twenty-one (21) years not to exceed Fifteen Dollars (\$15) per month per person, and providing for acceptance from the Government of the United States of America financial aid for such payment."

Those voters opposing said proposed Amendment shall write or have printed on their ballots the words:

"Against the Amendment to the State Constitution providing for assistance to the needy blind over the age of twenty-one (21) years, not to exceed Fifteen Dollars (\$15) per month per person, and providing for acceptance from the Government of

the United States of America financial aid for such payment."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution for Amendments thereto.

Sec. 4. The sum of Five Thousand Dollars (\$5,000) or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—16.

Beck	Pace
Brownlee	Rawlings
Burns	Roberts
Head	Spears
Holbrook	Weinert
Isbell	Westerfeld
Neal	Winfield
Nelson	Woodruff

Nays—7.

Aikin	Oneal
Collie	Sulak
Cotten	Van Zandt
Moore	

Absent.

Hill	Shivers
Lemens	Small
Newton	Stone
Redditt	

Absent—Excused.

Davis

Senator Van Zandt offered the following amendment to the resolution as amended:

Amend the caption to conform to the body of the resolution as amended.

The amendment was adopted.

The resolution as amended was passed by the following vote:

Yeas—30.

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff

Absent—Excused.

Davis

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 247, "An Act amending Sections, 1, 4, 5, 6, 7, 9, and 18 of H. B. No. 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session; providing that the Comptroller is authorized to promulgate certain rules and regulations to regulate the sale of cigarettes for movement into states adjoining Texas when such cigarettes have the tax stamp of such adjoining state affixed; requiring salesmen in the employ of manufacturers to keep certain records and deliver invoices; requiring persons soliciting and receiving orders for cigarettes for shipment to points within this State to keep certain records for a limited time; adding a new Section to be known as Section 10-A; providing that before a restraining order shall be granted to restrain or enjoin the collection of the cigarette tax the applicant therefor shall pay into the suspense account of the Treasurer all taxes, fees and penalties due; requiring said applicant to make and file daily reports and pay taxes, fees and penalties accruing before such taxes, fees and penalties become delinquent and prescribing the information to be shown in such reports; fixing venue and providing that restraining order or injunction shall be automatically dismissed and dissolved after hearing if said applicant fails to pay said taxes, fees and penalties into the suspense account or fails to keep the records required or make the reports required; providing for refund or allocation of taxes, fees and penalties paid after final judgment; prohibiting persons not a party to said injunction or re-

straining order receiving benefits therefrom; etc., and declaring an emergency."

S. B. No. 476, "An Act amending Chapter 174, Acts Regular Session, Forty-fourth Legislature by adding thereto a new Section to be known and designated as Section 1a following Section 1 of said Act, and amending Section 3 of Chapter 174, Acts Regular Session, Forty-fourth Legislature, re-appropriating the unexpended balances of the appropriation of Three Million Dollars (\$3,000,000.00) made in said Act according to the allocation of said fund as made in Section 1 thereof and recreating the Commission of Control for Texas Centennial Celebration and prescribing the duties of said commission and amending Section 18 of Chapter 174, Acts Regular Session, Forty-fourth Legislature in order to re-appropriate the unexpended balance of the One Hundred Thousand (\$100,000.00) Dollars heretofore appropriated, etc., and declaring an emergency."

S. B. No. 472, "An Act amending Article 1645 as amended of the Revised Civil Statutes of 1925 so as to permit the county auditor in certain counties to act as purchasing agent therein on order of the commissioners' court, fixing his compensation therefor, providing for the payment thereof, and declaring an emergency."

Appointment of Special Committee.

Pursuant to the provisions of H. B. No. 600, heretofore finally passed, enrolled and approved by the Governor, the President announced the appointment of the following committee on the part of the Senate:

Senators Aikin, Van Zandt and Woodruff.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 125, recalling H. B.

No. 1139 from the Governor's Office for certain corrections.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

**House Concurrent Resolution
No. 125.**

The President laid before the Senate, the following resolution, received from the House today:

H. C. R. No. 125, authorizing corrections in enrolled copy of H. B. No. 1139.

The resolution was read.

On motion of Senator Westerfeld and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Senate Bill No. 231 on Engrossment.

The President laid before the Senate, as the unfinished special order, on its passage to engrossment (the bill having been read second time on May 7, 1937):

S. B. No. 231, A bill to be entitled "An Act amending Section 8, Article 5421c, R. C. S. of Texas, same being Acts 1931, Forty-second Legislature, Regular Session, page 452, Chapter 271, by providing that the Commissioner of the General Land Office or any person, corporation, assignee or leaseholder holding a contract with the State of Texas for the development of oil and gas resources in State-owned islands, salt water lakes, bays, inlets, marshes and reefs within tidewater limits, and that part of the Gulf of Mexico within the jurisdiction of Texas, is granted the right of eminent domain and condemnation as provided by the General Laws of island, etc., and declaring an emergency."

With the following amendment by Senator Shivers pending:

Amend S. B. No. 231, page 1, line 46 by adding the following after the word "purposes."

"Provided however that in no instance shall the right of eminent domain or condemnation be granted as to any lands or property located

within one mile of any home or dwelling."

Question—Shall the amendment be adopted?

Senator Pace was recognized to speak on the amendment.

Senator Moore raised the point of order: That Senator Pace has spoken once on the amendment and should not be allowed to speak a second time on it until all other Senators who desire to speak on the amendment have been heard.

The President overruled the point of order.

(Senator Rawlings in the Chair.)

Senator Pace moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Aikin	Nelson
Beck	Oneal
Brownlee	Pace
Collie	Small
Cotten	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld

Nays—9.

Head	Roberts
Holbrook	Shivers
Moore	Spears
Neal	Woodruff
Rawlings	

Present—Not Voting.

Winfield

Absent.

Burns	Redditt
Newton	

Paired.

Senator Weinert (present), who would vote nay with Senator Davis (absent), who would vote yea.

Senator Moore offered the following amendment to the bill:

Amend the bill by striking out all below the enacting clause and inserting the following:

Section 1. That Section 8 of Article 5421c of the Revised Civil Statutes, same being Acts 1931,

Forty-second Legislature, Regular Session, page 452, Chapter 271, be amended by the addition thereto of the following:

"The Commissioner of the General Land Office of Texas, or any person or corporation holding a contract with him, including all leaseholders or assignees holding a lease contract with the State, or under the State Land Commissioner, for the development of oil and/or gas resources in State-owned islands, salt water lakes, bays, inlets, marshes and reefs within tidewater limits and that part of the Gulf of Mexico within the jurisdiction of Texas is hereby granted the right of eminent domain and condemnation as provided by the General Laws of the State of Texas, for the following purposes only:

"(1) Of securing such additional adjoining lands as may be necessary for erection of power machinery and the laying of pipe and pipe lines used for the transportation of water and mud and oil in the drilling of any well in or on such island, salt water lake, bay, inlet, marsh, reef or submerged land owned by the State within tidewater limits and that portion of the Gulf of Mexico in the jurisdiction of Texas.

"Provided, that at any time hereafter, in all cases, where the landowner and/or other interested parties and the leaseholder to said islands, salt water lakes, bays, inlets, marshes and reefs within tidewater limits and that portion of the Gulf of Mexico in the jurisdiction of Texas, and/or said Commissioner are unable to agree on the measure of damages, if any, and it is necessary to resort to condemnation proceedings, that in the event it should become necessary for any offset well to be drilled by said landowner or other interested party within the area or surface of the land taken, condemned or thus sought to be condemned, the mineral rights of the condemned party shall at all times be superior to the surface rights of the condemning party, and in the event of any conflict on account of the drilling of any offset well or wells, under and by virtue of a permit from the Railroad Commission, the condemning party shall be compelled to move any interference or hindrance whatsoever therewith, or to go

around such offset well, and in the event of his failure or refusal to immediately move any such interfering object or hindrance, upon demand, the owner of the mineral rights shall have the right to immediately do so himself without any liability.

"It is the intent of this Act that the mineral rights of the owner shall at all times be superior to the surface rights of the condemning party, and in determining the measure of damages, if any, in such condemnation proceeding, the Commissioner or any other tribunal shall not take into consideration the value of the oil or gas lying under said rights of way of such condemned properties.

Sec. 2. The crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Pace moved the previous question on the amendment and the passage of the bill to engrossment, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—17.

Beck	Pace
Brownlee	Redditt
Collie	Stone
Cotten	Sulak
Hill	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff
Oneal	

Nays—9.

Aikin	Rawlings
Burns	Roberts
Holbrook	Shivers
Isbell	Spears
Moore	

Absent.

Head	Small
Newton	

Paired.

Senator Weinert (present), who would vote nay with Senator Davis (absent), who would vote yea.

Question then first recurring on the amendment, by Senator Moore, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—10.

Head	Roberts
Holbrook	Shivers
Moore	Spears
Neal	Westerfeld
Rawlings	Woodruff

Nays—15.

Aikin	Nelson
Beck	Oneal
Brownlee	Pace
Collie	Redditt
Cotten	Sulak
Hill	Van Zandt
Isbell	Winfield
Lemens	

Present—Not Voting.

Stone

Absent.

Burns	Small
Newton	

Paired.

Senator Weinert (present), who would vote yea with Senator Davis (absent), who would vote nay.

Question next recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—21.

Aikin	Nelson
Beck	Oneal
Brownlee	Pace
Burns	Redditt
Collie	Spears
Cotten	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	

Nays—6.

Head	Roberts
Holbrook	Shivers
Rawlings	Woodruff

Absent.

Newton	Small
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Paired.

Senator Weinert (present), who would vote nay with Senator Davis (absent), who would vote yea.

Senator Moore moved to reconsider the vote by which the bill was passed to engrossment.

Senator Moore asked recognition to address the Senate on the motion to reconsider.

Senator Pace raised the point of order: That the motion to reconsider is not debatable.

Senator Woodruff asked an immediate ruling on the point of order, and the request was not seconded.

The Presiding Officer (Senator Rawlings) sustained the point of order.

Question then recurring on the motion to reconsider, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12.

Beck	Neal
Burns	Rawlings
Head	Roberts
Holbrook	Shivers
Isbell	Spears
Moore	Woodruff

Nays—15.

Aikin	Pace
Brownlee	Redditt
Collie	Stone
Cotten	Sulak
Hill	Van Zandt
Lemens	Westerfeld
Nelson	Winfield
Oneal	

Absent.

Newton	Small
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Paired.

Senator Weinert (present), who would vote yea with Senator Davis (absent), who would vote nay.

(President in the Chair.)

Motion to Suspend Constitutional Rule.

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 231 be

placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—20.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Stone
Cotten	Sulak
Hill	Van Zandt
Isbell	Westerfeld
Lemens	Winfield
Nelson	Woodruff

Nays—7.

Head	Roberts
Holbrook	Shivers
Moore	Spears
Neal	

Absent.

Newton	Small
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Paired.

Senator Weinert (present), who would vote nay with Senator Davis (absent), who would vote yea.

Committee Substitute for Senate Bill No. 185 on Second Reading.

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

C. S. for S. B. No. 185 A bill to be entitled "An Act appropriating Five Million Dollars (\$5,000,000.00) per year, or so much thereof as may be necessary for the next biennium beginning September 1st, 1937, and ending August 31st, 1939, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, attaching conditions, regulations and limitations relative thereto; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for certain length of term of all schools meeting the requirements of this Act; authorizing the use of an amount not to exceed a certain sum for the payment of each year of the biennium

for high school tuition for rural school pupils according to the provisions of H. B. No. 158, General Laws, Regular Session, Forty-fourth Legislature; etc., and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Question—Shall the bill be passed to engrossment?

Recess.

On motion of Senator Redditt, the Senate, at 12:00 o'clock, m., took recess to 2:00 o'clock p. m. today.

Afternoon Session.

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Free Conference Committee on Senate Bill No. 179.

The President announced the appointment of the following free conference committee on the part of the Senate on S. B. No. 179:

Senators Head, Sulak, Newton, Winfield and Redditt.

Committee Substitute for Senate Bill No. 185 on Engrossment.

The Senate resumed consideration of pending business, same being C. S. for S. B. No. 185, the school aid equalization bill, on its passage to engrossment.

Senator Van Zandt offered the following amendment to the bill:

Amend C. S. for S. B. No. 185 by striking out all of Section 13 and renumbering succeeding sections to conform therewith.

The amendment was adopted.

Call of the Senate.

Senator Weinert raised the point of order: that there is not a quorum present.

The President directed the Secretary to call the roll to ascertain whether or not a quorum was present.

The roll was called and sixteen Senators answered to their names.

Senator Aikin moved a call of the Senate for the purpose of securing a quorum, and the call was duly seconded.

Subsequently, six additional Senators appeared in the Senate Chamber and were recorder present.

A quorum was announced present.

The Senate resumed consideration of C. S. for S. B. No. 185, on its passage to engrossment.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 185 by striking out all of Section 14, and substituting in lieu thereof the following:

Sec. 14. (Administration Costs.) All expenditures for costs of administering the various funds named in this Act shall be paid out of the moneys appropriated and allocated in this Act and such expenditures shall not exceed the amounts authorized by the general biennial appropriation bill for the years ending August 31, 1938, and August 31, 1939.

It is herein specifically provided that Three Million Three Hundred and Forty Thousand (\$3,340,000.00) Dollars of the moneys appropriated in Section 1 of this Act is hereby specifically allocated for the purpose of equalizing Rural Aid in teachers' salaries and transportation to be administered under the provisions of this Act; Eight Hundred and Seventy Thousand (\$870,000) Dollars of the appropriation made in Section 1 of this Act is hereby allocated to a High School Tuition Fund and to be expended in accordance with the provisions of Section 10 of this Act and under the control and approval of the State Board of Education; Six Hundred and Forty Thousand (\$640,000) Dollars of said moneys is hereby allocated for matching Federal monies in an amount of 52.89% of such monies appropriated and allocated for vocational agriculture, home economics, trades and industries, and general rehabilitation, and said \$640,000.00 is separated and allocated for said purposes:

Vocational Agriculture—	\$275,028.00
Trades and Industries—	\$119,002.50
Home Economics—	\$198,337.50
Vocational Rehabilitation—	\$47,632.00

and to be administered according to the Federal Laws governing vocational education; One Hundred and Fifty Thousand (\$150,000.) Dollars of said moneys is hereby allocated to support the State's rehabilitation pro-

gram for crippled children, each of the above named allocations being for each year of the biennium.

Provided that the Department of Vocational Rehabilitation is hereby authorized to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of Vocational Rehabilitation Act.

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 185, Section 2, by inserting between the word "Aid" and the word "under" in line 3 of the printed bill, the words: "except aid for vocational education and crippled children."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 185, Section 4, line 22, of the printed bill by inserting between the word "Aid" and the word "under" the words, "except aid for vocational education and crippled children."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 185, Section 3, line 14 of the printed bill by inserting between the word "Aid" and the word "shall" the words, "except aid for vocational education and crippled children."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend C. S. for S. B. No. 185, page 4, Section 8, line 9, by adding the following to-wit:

Provided no teacher's salary in the State of Texas shall be less than One Hundred (\$100.00) per month.

(Signed): Burns, Shivers, Redditt, Pace and Sulak.

The amendment was adopted.

Senator Cotten offered the following amendment to the bill as amended:

Amend the bill by striking out all after the enacting clause and inserting the following:

Section 1. Appropriation—For the purpose of promoting public school interest and equalizing the

educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal Funds appropriated for the purpose of conducting classes in Vocational Agriculture, Home-making, Trades and Industries, General Rehabilitation, and Rehabilitation for crippled and defective children there is hereby appropriated out of the General Revenue Fund, Six Million Five Hundred Thousand Dollars (\$6,500,000.00), or so much thereof as may be necessary, for the school year ending August 31, 1938, and Six Million Five Hundred Thousand Dollars (\$6,500,000.00), or so much thereof as may be necessary, for the school year ending August 31, 1939, to be allotted and expended by the State Board of Education; provided that any unexpended balance occurring at the end of the school year 1938 may be transferred and added to the appropriation for the school year ending August 31, 1939; and provided that any unexpended balances in any of the allotments of any of the funds appropriated herein may be transferred to other allotments specified in this Act as the State Board of Education may direct.

Sec. 2. Allocation of Funds—It is hereby specifically provided that Two Hundred Seventy-nine Thousand Five Hundred Dollars (\$279,500.00) of the funds appropriated in this Act shall be used for the purpose of matching Federal Funds for Vocational Agriculture and for the administration thereof; that One Hundred Ninety-five Thousand Dollars (\$195,000.00) of said appropriation shall be used for the purpose of matching Federal Funds for Trades and Industries and Distribution Occupations; that Seventy-eight Thousand Dollars (\$78,000.00) of said appropriation shall be used for the purpose of matching Federal Funds for General Rehabilitation in accordance with the Federal Laws governing vocational education; that Three Hundred Thousand Dollars (\$300,000.00) of said appropriation shall be used for the purpose of matching Federal Funds for Home-making; that One Hundred Thirty Thousand Dollars (\$130,000.00) of said appropriation shall be used for

the purpose of supporting the State rehabilitation program for crippled and defective children; that Five Million Five Hundred Seventeen Thousand Five Hundred Dollars (\$5,517,500.00) of the funds appropriated in this Act shall be used for the purpose of paying teacher salary aid to extend the school term, transportation aid, industrial aid, high school tuition aid and the cost of administration in an amount to be determined by the State Board of Education. Each of the above named allocations is made for each year of the biennium. It is further provided that the State Board of Education is hereby authorized to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act for both General Vocational Rehabilitation and Rehabilitation of Crippled and Defective Children in addition to the funds hereby appropriated. In the event any of the allocations hereinabove made for vocational education are not matched in full by the Federal Government, such remaining unmatched portion of the State's allocations for vocational education herein allocated shall be used for the support of Vocational Agriculture in this State in the same manner and under the same rules, regulations and laws which govern the general distribution of Federal Funds for vocational education.

Sec. 3. Distribution—All funds appropriated in this Act for the purpose of promoting public school interest and equalizing educational opportunities within the State shall be distributed to schools eligible to receive aid under the provisions specified in said Act, and the rules and regulations adopted in conformity therewith by the State Board of Education, on the basis of need, as determined by sworn budgets submitted by the school districts applying for aid, and the availability of funds hereby appropriated for such purposes. All funds appropriated in this Act for vocational education and for the rehabilitation of crippled and defective children shall be distributed in compliance with Federal laws governing vocational education.

Sec. 4. Scholastic Population of District—State aid under the pro-

visions of this Act may be distributed in such a way as to assist all schools of not fewer than twenty (20) scholastics and not more than four hundred (400) scholastics located in districts of not more than five hundred (500) scholastics, and consolidated and rural high school districts which have an average of not more than two hundred (200) scholastics for each original district composing the consolidated and rural high school district, and all districts composed of entire counties.

Sec. 5. Distance Between Schools—No aid shall be granted to any school under the provisions of this Act which is located within two and one-half ($2\frac{1}{2}$) miles of another school of the same race, unless on account of the condition of the roads and other physical features it is impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated or rural high school district, nor to any district which at some previous election has voted to remove such conditions by consolidation.

Sec. 6. Teacher-Pupil Load—State Aid under the provisions of this Act shall be allotted on the basis of one teacher for any number of scholastics from twenty (20) to thirty (30), and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof residing in the district. It is expressly provided that in the event pupils are transferred into the district, the excess fractional part thereof required for an additional teacher shall not be less than ten (10) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district for the current year; and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the County Board of Trustees in the classification of said school, provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the Director of Rural Aid with the approval of the State Board of Education.

Sec. 7. Average Daily Attendance—No school shall be granted Aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) of the net scholastic census enrollment of the school applying for Aid. The average daily attendance shall be determined upon the basis of the attendance during any three consecutive months of the first four months of the current school year. Provided the provisions of this Section shall not apply to any school in case of an epidemic of sickness as shown by a certificate from a local or county health officer. Districts in which parochial schools are maintained are exempt from the provisions of this Section.

Sec. 8. Salary Aid and Length of Term—The amount of Aid for teachers' salaries under the terms of this Act shall not exceed the difference between the State and county available funds to be received by the district for the current year and the aggregate amount of teachers' salaries for a term of eight (8) months as shown by the school's budget in the application for Aid, said salaries to be determined by a salary schedule adopted by the State Board of Education. It is hereby further provided that schools, otherwise eligible to receive Aid, doing two years of high school work and having not less than eight (8) units of affiliation, and which are levying and collecting a tax of One Dollar (\$1.00) on the One Hundred Dollars (\$100.00) valuation of property may be granted salary Aid for a term of eight and one-half ($8\frac{1}{2}$) months, according to a salary schedule adopted by the State Board of Education, provided it can be shown by budget that the additional one-half ($\frac{1}{2}$) month cannot be maintained from the local funds of the district. It is also provided that four-year fully accredited high schools, otherwise eligible to receive Aid, which are levying and collecting a tax of One Dollar (\$1.00) on the One Hundred Dollars (\$100.00) valuation of property may be granted Aid for a term of nine (9) months, according to a salary schedule adopted by the State Board of Education, provided it can be shown by the school's budget that the local revenues of the district are

insufficient to support the school for the additional month.

Sec. 9. Tax Levy—No school district shall be eligible to receive Aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying and collecting for the current year a local maintenance school tax, exclusive of the tax for interest and sinking fund for bonds, of not less than fifty (50) cents on the One Hundred Dollars (\$100.00) of property valuation in the entire district, or not less than seventy-five (75) cents, inclusive of the tax for interest and sinking fund for bonds; and provided further that the property valuation shall not be less than said property is valued for State and County purposes. Any school district which shall after September 1, of the current school year reduce its existing property assessment and/or existing tax rates, thereby enabling it to participate in the appropriation provided in this Act, shall not be eligible to receive Aid from any of the funds herein provided. The provisions of this Section of the Act shall apply to all schools requesting State Aid for salaries, industrial equipment and transportation of public school pupils. It is hereby provided that schools eligible to receive Aid under the terms of this Act shall not be deprived of such Aid if said schools collect during the current school year not less than seventy-five per cent (75%) of the taxes levied.

Sec. 10. Taxable Wealth—No part of the Aid herein provided for teachers' salaries shall be given to a school district with an assessed valuation in excess of Three Thousand Dollars (\$3,000.00) per scholastic as shown by the scholastic census, said valuation being assessed as heretofore provided; provided, that this Section does not apply to school districts that levy and assess a One Dollar (\$1.00) tax on the One Hundred Dollar (\$100.00) valuation of property. Provided that the State Board of Education shall take into consideration in making allowances of Aid to school district any loss sustained by said districts by reason of the Federal Government making purchases of lands for national forests or, other purposes, and by reason of the location in said districts of Uni-

versity lands, and the State Board of Education shall be authorized to make allocations to such districts for losses thereby sustained and fix the amounts to be granted upon existing facts and circumstances as applicable to all other school districts eligible to receive Aid under the terms of this Act.

Sec. 11. Salary Schedule—Aid provided under the terms of this Act shall not be used to increase the monthly salary of any teacher, but the funds provided by this Act for teachers' salaries shall be used for the exclusive purpose of extending the length of the school term of schools situated in the district receiving such Aid on the basis of a schedule of teachers' salaries to be determined by the State Board of Education. Said salary schedule shall be adopted by the State Board of Education not later than the first day of July for the ensuing year.

Sec. 12. High School Tuition—It is hereby provided that high school tuition, in an amount not to exceed Seven Dollars and Fifty Cents (\$7.50) per pupil per month, may be paid out of the funds appropriated in this Act according to the provisions of H. B. No. 158, General Laws, Regular Session, Forty-fourth Legislature, as amended. It is also provided that high school tuition, in an amount not to exceed Two Dollars and Fifty Cents (\$2.50) per pupil per month, may be granted for high school pupils residing in consolidated or rural high school districts composed of not less than three (3) original districts, provided said consolidated or rural high school districts maintain high schools having at least eight (8) units of affiliation, provided the assessed valuation of property in such district is less than Fifteen Hundred Dollars (\$1,500.00) per pupil, and the budget shows that such tuition is needed to properly maintain the school. It is further provided that high school tuition Aid may be granted for pupils transferred to outside high schools from the State Home for Dependent and Neglected Children at Waco and from the Alabama and Coushatta Indian Reservation near Livingston, provided the Aid so granted shall not exceed the per capita tuition charged other schools' transferred high school

pupils by the high schools affected hereby. High schools that fail to make application for tuition Aid on or before October 15 of each scholastic year shall not be eligible to receive such Aid for the then current year.

Sec. 13. Transportation Aid. The County Superintendent and County School Board of each of the several counties in this State are hereby authorized to set up a system of transportation for the purpose of transporting high school pupils from their home districts where their grades are not taught to the most convenient accredited high school. In the establishment of bus routes for the transportation of public school children within the county, the County Boards of Education and the County Superintendents are hereby authorized to conduct hearings and to determine convenience and necessity of each route so established. The County Boards of Trustees shall give due consideration to economy in operation of bus routes and to the efficiency of the schools of the county in the program of equalization of educational opportunities.

It is further provided that the districts through which school buses travel may make provision with the County Superintendent and the County School Board to have public school pupils transported within and between their respective districts. Provision may also be made for the transportation of public school pupils residing within consolidated or rural high school districts composed of not fewer than three (3) original districts, provided said pupils reside on or near bus routes established for the purpose of transporting students to such consolidated or rural high schools, and provided such districts maintain affiliated high schools having not less than eight (8) units of credit. In no case, however, shall the State be responsible for the cost of transportation of any pupil whose grade is taught in his home district when such pupil is transported to a school other than his own school.

Aid for transportation of public school pupils shall be distributed to the counties on the basis of cost of operation of such public school buses not to exceed Two Dollars (\$2.00) per pupil per month for each child transported. The distribution of transportation Aid shall be on the basis of the need of the home district

of the child transported, and the availability of funds to pay, and all districts within the county desiring transportation for their children but whose budget reflect their own ability to pay for such transportation shall be required to issue their warrants for their proportionate part of such transportation, making such warrants payable to the county transportation fund.

The County Superintendent of each of the several counties of this State shall submit to the State Board of Education not later than August 1 of the current school year a description of the county system of transportation upon forms prescribed by the State Board of Education for that purpose. The State Board of Education shall have the right to inquire into the establishment of bus routes in order to determine whether or not such routes are being economically and efficiently planned and whether such routes are necessary for the equalization of educational opportunities. The Director of Rural Aid shall prepare a list of such established bus routes and present same to the State Board of Education for approval not later than September 1.

Sec. 14. Industrial Aid. Aid may be granted to any one school in the district employing three or more teachers which will provide for the proper instruction and demonstration in farm mechanics, agriculture and home economics according to the program approved by the State Board of Education and employing a teacher or teachers whose qualifications are in accordance with the approved standards of the State Board of Education; provided that the maximum Aid to be granted each department shall be the amount actually expended not to exceed One Hundred Dollars (\$100.00) for each department per year.

Sec. 15. Transfer of Entire District. On the agreement of the Board of Trustees of the districts concerned or on petition signed by a majority of the qualified voters of the districts affected, the County Superintendent may transfer the entire scholastic enrollment of a district, or any number of grades thereof, to a convenient school of higher rank provided the trustees are unable to maintain a satisfactory school in the district from which the transfer is to be made. If such a transfer is made, all the funds of the district, including the Aid to which the district would

otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out said agreement.

Sec. 16. Teacher Qualifications. Teachers employed in State Aid schools shall be required to have a minimum of two years of college training and shall be required to have at least a six-year elementary or a four-year high school Texas State Teachers' Certificate, provided that those teachers now employed in the public schools of the State not meeting such requirements may be employed to teach in State Aid schools provided they will secure credits in some college or university whose credits are recognized by the University of Texas at the rate of six semester hours every two years from the effective date of this Act. Provided, however, that any teacher who has taught in the public schools of this State for as many as fifteen (15) years, shall be exempt from the provisions of this Section.

Sec. 17. Administration Costs. All expenditures for cost of administering the various funds named in this Act shall be paid out of the moneys appropriated in this Act and such expenditures shall be determined by the State Board of Education.

Sec. 18. Counties With Less Than One Thousand Four Hundred (1,400) Scholastics. It is hereby provided that schools in counties having less than one thousand four hundred (1,400) scholastic population in the common school districts may be exempt from the minimum restrictions of twenty (20) scholastics; provided, that each district applying for Aid is levying and collecting for the support of its schools a local tax as provided in Section 9 of this Act. Provided also that the State Board of Education may grant Aid to schools located in sparsely settled, isolated districts in any county, where it is impracticable because of natural barriers for such schools to be serviced by bus or other adequate means of transportation, without regard to the number of scholastics or the length of the school term.

Sec. 19. Districts Composed of Entire Counties Having No County School Boards. In districts composing entire counties in which there is no governing body designated as the

County School Board, the duties, authorized by this Act to be performed by the County School Board are hereby conferred upon the existing governing bodies of such districts, and all Aid shall be granted on the basis of need, and the availability of funds to pay, after proper budgeting.

Sec. 20. Miscellaneous Provisions. Any public school accepting the provisions of this Act shall be entitled to share in the distribution of State and County School Funds and in all other school funds in the same manner as other public schools not participating in the funds appropriated in this Act, and in case high school grades are maintained, the school shall be entitled to participate in the distribution of any Aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State; provided that no school or school district shall be denied Aid for failure or refusal to buy any books, equipment, charts and school supplies offered by any person, firm or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts and supplies were approved by a majority vote of the State Board of Education. Provided further that no financial Aid shall ever be withheld from any school entitled to such Aid under the provisions of this Act by virtue of an alleged deficiency in the certificate held by the teaching personnel of any such school on account of and by virtue of any regulation of the State Superintendent of Public Instruction, the State Department of Education and the State Board of Education unless such rule or regulation is expressly provided by the statutes of this State. It is hereby further provided that the tax provisions and other inhibitions provided in this Act shall not apply to the school for the Alabama Indians in Polk County, Texas.

Sec. 21. Powers and Duties of the State Board of Education—It shall be the duty of the State Board of Education and it is hereby authorized to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Board of Education and

it is hereby authorized to appoint one (1) Director of Rural Aid, one (1) Assistant Director of Rural Aid, two (2) stenographers, one (1) porter, fourteen (14) Inspectors and such other employees as may be considered necessary by the State Board of Education. The Inspectors so appointed shall make a thorough investigation in person of the grounds, buildings, equipment, teaching staff and financial condition of each school applying for Aid. No Aid shall be given unless it can be shown that all provisions of this Act have been complied with and that Aid is needed. Provided all Inspectors appointed by the State Board of Education shall reside in Austin and shall travel by common carriers unless it can be shown that it is more economical and advantageous to the State in some instances to travel by private automobile. The salaries and traveling expense of all such appointees as provided for above in this Section, and all other expenses incidental to the proper administration of this fund, shall be paid out of the administrative funds hereby authorized to be set aside by the State Board of Education from the appropriation made in this Act.

Sec. 22. Disbursements—Warrants for all money granted under the provisions of this Act shall be transmitted by the Director of Rural Aid to treasurers or depositories of school districts to which Aid is granted, and it shall be the duty of all treasurers or depositories to make annually itemized reports under oath to the State Board of Education of the expenditures of all money granted under the provisions of this Act. The Director of Rural Aid, with the approval of the State Board of Education, may transmit at the close of the first semester not more than fifty per cent (50%) of the total amount of Aid tentatively granted to the respective school districts applying for such Aid as an initial payment. Final payment on the tentative grants shall be made after the schools have been inspected by one of the State Inspectors if it is found that said schools comply with the provisions of this Act and the rules and regulations adopted by the State Board of Education in compliance therewith. If, however, the Inspector finds that the initial pay-

ment to any school was not needed or that the school is not eligible to receive Aid, the trustees shall refund the amount of said initial payment to be placed to the credit of the Rural Aid Appropriation for the current year. Schools found upon inspection to be eligible to receive Aid shall be paid the final portion of the initial grant, or so much thereof as may be needed, provided there are sufficient funds appropriated in this Act for that purpose for the current year. If there are not sufficient Aid funds to pay the tentative grants in full, payment shall be made on a percentage basis and no one school or schools shall be paid a larger amount, on a percentage basis, than any other school or schools. This provision of this Section shall apply to all allotments, claims and appropriations provided for in this Act. It is further provided that at the time tentative grants are made to the schools, the Director of Rural Aid, with the approval of the State Board of Education, may reserve, out of the funds appropriated in this Act such an amount as may be considered necessary to pay any unpaid approved claim existing against the State, for the current year, at the close of the school term for high school tuition and transportation purposes.

Sec. 23. Inhibitions and Penalties—Any School district violating any of the provisions of this Act, shall forfeit its right to receive any Aid of any nature under any section of this Act for the current year. Should any school which would otherwise be eligible to receive Aid agree, provide, or contract with teachers to pay smaller monthly salaries during the remainder of the term following the granting of Aid, the school shall forfeit its right to receive Aid under the provisions of this Act.

No part of the Aid appropriated in this Act shall be used for the purpose of increasing the monthly salaries of teachers, but such Aid shall be used for the purpose of extending the length of the school term of the schools situated in districts receiving Aid.

Any census trustee who shall wilfully make any false report in his roll or summary shall forfeit the right of the district he serves to receive any amount of money appropriated in this Act.

No rules or regulations in conflict with any provision of this Act or any present statute affecting this Act may be adopted by the State Board of Education, State Superintendent of Public Instruction or The State Department of Education.

It is specifically provided herein that the State Board of Education or any agency charged with the responsibility of administering the funds hereby appropriated shall not pledge the State nor incur obligations against said funds in any amount in any one year in excess of the amount herein appropriated, and it is the sense of this Legislature that the amounts herein appropriated shall cover in full all amounts to be spent for the purposes contemplated by this Act for the period covered by this Act.

It shall be unlawful for any county school superintendent or the superintendent of any independent or common school district, school, teacher, county trustee, district trustee or any other person to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and expense of any person or persons to maintain any lobby for any purpose. Violation of this provision shall forfeit the right of the county or any school district in the county to participate in the funds herein appropriated.

Sec. 24. Application for Aid—School district trustees desiring any kind of Aid provided for in this Act for their schools shall make application for such Aid on forms furnished by the Director of Rural Aid. A sufficient quantity of such application forms shall be sent to the county superintendents for the schools of their counties not later than August 1, and applications for Aid from the respective districts shall be forwarded to the Director of Rural Aid not later than September 15. All applications for Aid shall furnish such information as may be required by the State Board of Education. Application for Aid shall be sworn to by the president and secretary of the board of trustees of each school applying, and approved by the County Superintendent. The County Superintendent shall also approve all contracts with teachers, supervising officers and bus drivers in all schools

applying for any kind of Aid provided for in this Act.

Sec. 25. Repealing Clause—All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is found to be unconstitutional or invalid, the remainder of this Act shall nevertheless remain in effect.

Sec. 26. Emergency Clause—The fact that many schools are in need of additional financial support other than State per capita apportionment and local maintenance, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Senator Collie in the Chair.)

Senator Moore offered the following amendment to the amendment:

Amend the Cotten amendment to C. S. for S. B. No. 185, by reducing the total amount appropriated to \$5,000,000.00 for each year, and reducing the various items making up the total accordingly and in proportion.

Yeas and nays were demanded, and the amendment to the amendment was adopted by the following vote:

Yeas—14.

Beck	Shivers
Burns	Small
Collie	Stone
Moore	Sulak
Rawlings	Van Zandt
Redditt	Weinert
Roberts	Westerfeld

Nays—13.

Aikin	Neal
Cotten	Nelson
Head	Oneal
Hill	Pace
Holbrook	Spears
Isbell	Woodruff
Lemens	

Absent.
Brownlee Winfield
Newton

Absent—Excused.
Davis

Senator Pace moved that the bill be tabled subject to call.

Senator Pace moved the previous question on the motion to table subject to call, and the motion for the previous question was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—19.

Beck	Oneal
Brownlee	Pace
Burns	Redditt
Collie	Small
Cotten	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Winfield
Neal	Woodruff
Nelson	

Nays—10.

Aikin	Roberts
Head	Shivers
Holbrook	Spears
Moore	Weinert
Rawlings	Westerfeld

Absent.
Newton

Absent—Excused.
Davis

Question then recurring on the motion that the bill be tabled subject to call, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16.

Beck	Nelson
Brownlee	Oneal
Burns	Pace
Collie	Redditt
Cotten	Small
Hill	Stone
Isbell	Van Zandt
Neal	Winfield

Nays—12.

Aikin	Holbrook
Head	Lemens

Moore	Spears
Rawlings	Weinert
Roberts	Westerfeld
Shivers	Woodruff

Absent.
Newton Sulak

Absent—Excused.
Davis

(President in the Chair.)

Motion to Suspend Constitutional Rule.

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 231 be placed on its third reading and final passage.

Senator Woodruff raised a point of order on consideration of the motion at this time, on the ground that under the rules of the Senate all bills heretofore set as special orders for any hour that has already arrived must be taken up and disposed of before consideration of the motion to suspend the constitutional rule.

The President overruled the point of order.

The motion to suspend the constitutional rule was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—20.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Small
Cotten	Stone
Hill	Sulak
Isbell	Van Zandt
Neal	Westerfeld
Nelson	Winfield

Nays—7.

Head	Shivers
Holbrook	Spears
Moore	Woodruff
Roberts	

Absent.
Lemens Newton

Paired.

Senator Weinert (present), who would vote nay with Senator Davis (absent), who would vote yea.

Bill Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

S. B. No. 407, "An Act authorizing the Railroad Commission of Texas to promulgate rules, regulations and orders to prevent or lessen drainage from any developed property caused or threatened by the production of gas from any gas well in any common reservoir in this State, and to prevent or lessen the drainage of gas as between different zones in such common reservoirs; authorizing the Railroad Commission to restrict and regulate the production of gas from wells and zones to prevent or lessen drainage; authorizing the Railroad Commission to issue all rules, regulations and orders necessary to enforce the law; authorizing zoning of any common reservoir; defining terms; prescribing the minimum limits to which the production of any well may be restricted; prohibiting production in excess of the amount fixed by the Railroad Commission; providing for cumulative production; prescribing penalties and suits for their collection; providing for injunctions to restrain violations; providing for suits to test the validity of any rules, regulations and orders; repealing all laws in conflict with this Act; and declaring an emergency."

Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, May 10, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the following committee has been appointed on the part of the House to examine claims for Rural Aid pursuant to the provisions of H. B. No. 600:

Messrs: Keefe, London and Morris.

The House has adopted the Conference Committee report on H. B. No. 1131 by a vote of 124 yeas, 0 yeas.

The House has concurred in Senate amendments to H. B. No. 1017 by a vote of 119 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 259 by a vote of 100 yeas, 0 nays.

The House has concurred in Senate amendments to H. B. No. 1070 by a vote of 123 yeas, 0 nays.

The House has passed the following bill and resolutions:

H. B. No. 1143, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the State Commission for the Blind for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

H. C. R. No. 124, Declaring the Legislative intent relating to the provisions of H. B. No. 291, recently passed by both Houses of the Legislature.

H. C. R. No. 106, Urging the State Parks Board to permit the use of State Parks by Girl and Boy Scouts of Texas.

The House has adopted the Conference Committee report on H. B. No. 397 by a vote of 123 yeas, 7 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 179.

The following conferees are appointed on the part of the House:

Messrs. Waggoner, Wood, Ross, Herzik and Kern.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 24 and requests the Senate for the appointment of a conference committee to adjust the differences between the

two Houses. The following are appointed as conferees on the part of the House:

Messrs. Tarwater, Fuchs of Washington, Ragsdale, Wood and Morris.

The House refused to concur in Senate amendments to H. B. No. 547 and has requested the appointment of a conference committee to consider the differences between the two Houses:

Messrs. Moffett, Hamilton, Cleveland, pope and Alexander.

The House has adopted the Conference Committee report on S. B. No. 407 by a vote of 105 yeas, 26 nays.

The House has adopted the Conference Committee report on H. B. No. 1057 by a vote of 132 yeas, 1 nay.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

**Report of Conference Committee on
House Bill No. 1131.**

Senator Moore submitted the following report of the Conference Committee on H. B. No. 1131:

Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 1131, do report that we have had the same under consideration and recommend to the Senate and House of Representatives that it do pass in the form attached hereto.

Respectfully,

MOORE,
BURNS,
WEINERT,
VAN ZANDT,
ISBELL,

On the part of the Senate.

GRAVES,
WINFREE,
KEITH,
HEFLIN,
MORRIS,

On the part of the House.

By Winfree, et al. H. B. No. 1131.

A BILL

To Be Entitled

An Act creating the Harris County Flood Control District in Harris County, Texas, and defining its powers; designating the Commissioners Court as the governing Body of such District and defining the powers of such Court in connection therewith; providing for the filing of a petition for the issuance of bonds, notice of hearing thereon, for an election therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Harris County; providing that State Laws applicable to contracts and accounting for funds shall apply to such District; making the Act cumulative of other laws; providing for the use of public property by such District; granting the right of eminent domain; providing laws relating to assessing and collecting State and County Current and Delinquent Taxes shall apply to said District; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Harris County Flood Control District Created. There is hereby created and established within the State of Texas, in addition to the districts into which the State has heretofore been divided, in the form and manner hereinafter provided, a conservation and reclamation district to be known as Harris County Flood Control District, hereinafter called the District, and consisting of that part of the State of Texas which is known as and included within the boundaries of the County of Harris. Such District shall be a governmental agency and body politic and corporate, with the powers of government and with the

authority to exercise the rights, privileges, and functions hereinafter specified, the creation and establishment of such District being essential to the accomplishment of the purposes of Section 59 of Article XVI of the Constitution of the State of Texas, as amended, including the control, storing, preservation, and distribution of the storm and flood waters, and the waters of the rivers and streams in Harris County and their tributaries, for domestic, municipal, flood control, irrigation, and other useful purposes, the reclamation and drainage of the overflow land of Harris County, the conservation of forests, and to aid in the protection of navigation on the navigable waters by regulating the flood and storm waters that flow into said navigable streams.

The Commissioners' Court of Harris County, Texas, is hereby designated as the governing body of such District and the agency through which the management and control of the District shall be administered, and it is hereby empowered to do any and all things necessary to carry out the aims and purposes of this Act.

Sec. 2. Added Powers. In addition to the powers given to the Commissioners' Court by General Laws and in addition to the general powers herein given, it shall be authorized in connection with the Harris County Flood Control District to exercise the following added rights, powers, privileges, and functions:

a. To acquire land and rights and interest therein and any other character of property needed to carry on the work of flood control, by gift, devise, purchase, or condemnation;

b. To sell, trade, or otherwise dispose of land or other property or rights therein when the same are no longer needed for the project or flood control purposes;

c. To appoint a Flood Control Manager and such agents and employees of the County for flood control purposes as may be necessary, including an engineer and counsel, and to prescribe their duties and fix their bonds and compensation;

d. To authorize its officers, employees, or agents to go upon any lands lying within the District for the

purpose of making surveys and examining the same in connection with flood control plans and projects, and for any other lawful purpose within the scope of its authority;

e. To devise plans and construct works to lessen and control floods; to reclaim lands in the District; to prevent the deposit of silt in navigable streams; to remove obstructions, natural or artificial, from streams and water courses; to regulate the flow of surface and flood waters; and to provide drainage where essential to the flood control project;

f. To exercise all powers, rights, privileges, and functions conferred by General Law upon flood control districts created pursuant to Section 59 of Article XVI of the Constitution of Texas, as amended, so far as the same may be applicable to Harris County and essential to the flood control project;

g. To cooperate with and contract with the United States of America or with any of its agencies now existing, or which may be created hereafter, for grants, loans, or advancements to carry out any of the powers or to further any of the purposes set forth in this Act and to receive and use said moneys for such purposes; or to contribute to the United States of America or any of its agencies in connection with any project undertaken by it affecting or relating to flood control in Harris County;

h. To cooperate with, or to contract with, the City of Houston, or any adjacent county, or any agency or political subdivision of the State, or any city or town within Harris County in relation to surveys, the acquisition of land or rights of way, the construction or maintenance of projects or parts thereof or the financing of the same in connection with any matter within the scope of this Act.

i. To sue and be sued in any proper case under the laws of this State; and all Courts shall take judicial notice of the establishment of the said District; and

j. To do any and all other acts or things necessary or proper to carry into effect the foregoing powers.

Sec. 3. Petition for Hearing. A petition may be filed with the County Clerk of Harris County for submission to the Commissioners Court, signed by not less than fifty (50) qualified property taxpaying voters

resident of said County who own and assess property therein, accompanied by the certificate of the Assessor and Collector of Taxes showing that such persons have correctly stated the facts with respect to their qualifications to sign the petition, which petition may request the submission to the qualified voters the question of the issuance of a named amount of bonds for flood control purposes under the provisions of Section 59 of Article XVI of the Constitution of the State of Texas, as amended. Said petition shall set out the general nature of the work to be done, the necessity therefor, the feasibility thereof, and a reasonable amount of detail with respect to the manners alleged, sufficient to inform the Commissioners Court fully of the purpose, utility, feasibility, and necessity therefor. The petition shall state the estimated cost of the project as then estimated and its operating costs and shall give such additional information as may be available for the purpose. The petition shall request that the Commissioners Court hear evidence of the feasibility, practicability, and cost of the project and whether or not the same would be a public benefit and is needed, and that an election be called to determine whether or not said bonds shall be issued.

Sec. 4. Notice of Hearing. Notice of such hearing shall be given by publication once a week for two (2) consecutive weeks prior to the date fixed for such hearing and exclusive thereof in a daily newspaper published in Harris County which said notice shall consist of a certified copy of the petition and of the order of the Court setting the same for hearing and shall be signed by the County Judge. In addition thereto, the Sheriff of Harris County shall post at least fifteen (15) days prior to the date of hearing, one copy of said notice at each of four (4) public places in Harris County and one copy thereof at the Courthouse door, and said Sheriff and the editor of the newspaper in which said notice is published shall make due return under oath showing the dates of posting and publication, respectively.

Sec. 5. Hearing. The Commissioners Court shall have jurisdiction to hear, consider, and determine the matters brought before it in said petition and by the evidence pro-

duced in favor of and against the proposition to issue bonds. The hearing may be continued from day to day. Should the Court refuse said petition it shall so find and its order shall be recorded in its minutes refusing said petition and giving its reasons therefor. Should the Commissioners Court determine that the proposition to issue such bonds should be submitted at an election called for the purpose it shall thereupon enter its order making its findings with respect to the matters herein provided for and shall be authorized to submit in accordance with the provisions of the Constitution and with Subdivisions 1 and 2 of Title 22 of the Revised Civil Statutes of Texas of 1925, to an election of the qualified property tax-paying voters resident of said County who own and assess property therein, the question of a bond issue for the purpose of providing said funds, and said County is given the right, after a majority vote of the electors qualified as herein required in favor of the proposition to issue bonds, to issue flood control bonds as authorized by Section 59 of the Constitution of the State of Texas, as amended, upon a compliance with the provisions of Subdivisions 1 and 2 of Title 22, Revised Civil Statutes of Texas of 1925, and with this Section, and within the limitations therein prescribed; and to levy and assess upon all the property subject to taxation in said County, and thereafter to collect such taxes as may annually be required to pay the interest on the bonds voted at said election and to create a sinking fund sufficient to retire said bonds at maturity; provided that additional bonds may be issued from time to time in like manner and under the same procedure.

Provided further, however, that the initial issuance of bonds shall not be for a sum which will require a tax rate in excess of fifteen (15) cents on the one hundred dollars valuation on the property within said District, nor shall any subsequent issue of said bonds be authorized the effect of which will be to increase the tax rate for all outstanding bonds of said District including such issue to an amount in excess of fifteen (15) cents on the one hundred dollars valuation to pay the interest on said bonds and to create a sinking

fund to retire the same at maturity.

Sec. 6. Bond Record. Before any Harris County Flood Control District bonds authorized by this Act shall be sold, a certified copy of the proceedings for the issuance thereof including certificates showing the bonded indebtedness of the District, certificates showing the assessed values of the property of the County, and certificates reflecting any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General; and if he shall approve such bonds, he shall execute a certificate to that effect, which shall be filed in the office of the Comptroller of Public Accounts of the State of Texas.

No bonds shall be sold until the State Board of Education has been given its preferential right of purchase as provided by law, and until the same shall have been registered by the Comptroller who shall so register the same if the Attorney General shall have filed with the Comptroller of Public Accounts of the State of Texas his certificate approving the bonds and the proceedings for the issuance thereof, as hereinabove provided.

The County Treasurer shall keep a record in a well-bound book of all bonds issued and shall register therein the amount of bonds issued, the numbers, the denomination, rate of interest, date due, date of issue, the paying agent, the amount received, and the purchaser. The said book shall be at all times open to the inspection of all proper parties, either taxpayers or bondholders or officials of the State or County.

When such bonds have been registered with the County Treasurer, the Commissioners' Court of said County shall set a date for the sale of such amount of bonds as may be needed to procure funds to construct the improvements then contemplated and pay the expenses incident thereto, and after advertising said bonds for sale by notice published once a week for two (2) consecutive weeks, shall sell such bonds upon the best terms and for the best price obtainable, but none of said bonds shall be sold for less than the face value thereof and accrued interest thereon to date of delivery, and the purchase price of such bonds shall be paid to the County Treasurer and shall be by him placed to the credit of the Harris

County Flood Control District and said funds shall be available for the construction of the project and its operation as voted; provided that the accrued interest and premium received shall be credited to the interest and sinking funds of the County for such issue of bonds. No commission shall be paid for the sale of any bonds.

All bonds approved by the Attorney General, registered by the Comptroller, and issued and sold in accordance with the proceedings so approved, shall be valid and binding obligations of the Harris County Flood Control District of Harris County, Texas, and shall be incontestable for any cause from and after the time of such registration, except for forgery or fraud.

The Commissioners' Court shall have the right to employ the County Auditor or any other qualified person to prepare all orders, notices, certificates, and transcripts of the proceedings of any issue of bonds in order to obtain the opinion of the Attorney General and a commercial legal opinion to insure the full market price for such bonds when sold, and to pay all the necessary expenses incident thereto and to the printing, registering, issuance, sale, and approval of such bonds.

Sec. 7. Form of Bonds. All bonds issued under the provisions of this Act shall be issued in the name of the Harris County Flood Control District of Harris County, Texas, and shall be signed by the County Judge, attested by the County Clerk, and the seal of the Commissioners' Court of Harris County shall be affixed to each of them. Said bonds shall be registered with the County Treasurer and his Certificate of Registration shall be endorsed on said bonds. Said bonds shall be issued in denominations of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000), as determined in the order authorizing their issuance, and shall bear interest at a rate not to exceed five (5) per centum per annum, payable semiannually and evidenced by attached coupons which shall bear the facsimile signatures of the County Judge and of the County Clerk. The bonds shall mature serially or otherwise in such number of years as may be determined by the Commissioners' Court not to exceed thirty (30) years.

Payment of principal and interest may be made at such places as may be determined by the Commissioners' Court in the order of authorizing the issuance of such bonds.

Sec. 8. State Laws Applicable. All existing State Laws, General and Special, applicable to contracts and to the receipt and disbursement of, and accounting for, public funds in Harris County are hereby made applicable to the contracts and to the receipt and disbursement of, and accounting for, any funds collected and disbursed under the terms of this Act. The provisions of this Act shall be cumulative of any other laws upon the subject matter.

Sec. 9. Use of Public Property. In the prosecution of the flood control plans of the Harris County Flood Control District, the District shall be recognized to have the right to make use of the bed and banks of the bayous, rivers, and streams lying within the District, subject to the prior right and authority of the Harris County Houston Ship Channel Navigation District over the navigable streams in the Navigation District and the submerged lands heretofore given by the State of Texas to that Navigation District.

The Harris County Flood Control District shall have a right of way and easement over and across the roads and highways of the State and its subdivisions for the construction and maintenance of the flood control projects of the District, subject, however, to the concurrence of the State Highway Commission whenever such projects require the relocation or bridging of State highways.

The District shall have the power and authority to overflow or inundate any public lands and public property, and to require the relocation of roads and highways, in the manner and to the extent permitted to any district organized under General Laws, pursuant to Section 59 of Article XVI of the Constitution of this State, as amended.

Sec. 10. Eminent Domain. The Harris County Flood Control District shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the District, necessary or convenient to the exercise of the rights, powers, privileges, and functions conferred upon

it by this Act, in the manner provided by General Law with respect to condemnation, or, at the option of the Commissioners' Court, in the manner provided by Statutes relative to condemnation by districts organized under General Law pursuant to Section 59 of Article XVI of the Constitution of the State of Texas, as amended.

In condemnation proceedings being prosecuted by said District, the District shall not be required to give bond for appeal or bond for costs.

Sec. 11. Taxes. All laws of the State of Texas relating to the assessing and collecting of State and County Taxes are by this Act made available for, and shall be applied to, the collection of both current and delinquent taxes of the Harris County Flood Control District in so far as such laws are applicable.

Sec. 12. Officers. The County Judge, County Commissioners, the Assessor and Collector of Taxes, the County Treasurer, and the depository are authorized to, and shall be required to, perform all duties in connection with the Flood Control District required of them by law in connection with official matters for Harris County, and the County Auditor shall be the Auditor for the Harris County Flood Control District and all of the provisions of Articles 1667 through 1673, as amended, Acts of the Forty-third Legislature, Regular Session, 1933, shall apply to the Harris County Flood Control District.

Sec. 12-a. Tax Collector's Reports. If at any time after the enactment of this law, the Legislature of the State of Texas shall make any donation or grant or diversion or remission of taxes to or affecting Harris County, Texas, or the flood control district herein created, in H. B. 24 or in H. B. 158, Acts Regular Session, Forty-fifth Legislature, at the end of each month after the effective date of such Act, the Assessor and Collector of Taxes of Harris County shall make an itemized report under oath to the Comptroller of Public Accounts of the State of Texas on forms to be furnished by the Comptroller showing each and every item of the State taxes collected by him upon property and from persons within the District; and he shall accompany the same with an itemized statement listing all taxes received and showing full disposal of all such taxes collected. The said

Assessor and Collector of Taxes shall forward his report to the Comptroller, and shall make a like report to the County Auditor, and he shall pay over to the County Treasurer all moneys collected by him as State taxes so donated or granted under Legislative authority, less such amounts as are allowed by law for assessing and collecting same, and shall remit the balance to the proper authority as required by then existing laws.

The Commissioners' Court, in its discretion, may utilize the tax funds donated and granted by the State of Texas for the construction of flood control improvements and other improvements and purposes authorized by such enactments and the maintenance or operation thereof; or may deposit the same in a sinking fund to pay interest on and to redeem bonds of said District or other obligations issued for such purposes, in the manner hereinafter provided.

Sec. 12-b. Issuance of Bonds. The County of Harris, Texas, acting by and through its Commissioners' Court, shall have authority and it is hereby authorized to issue its negotiable bonds secured by a pledge of any such taxes hereafter donated, granted, diverted or remitted by the State of Texas to it or the Flood Control District created herein by the terms of H. B. 24 or H. B. 158 of the Regular Session, Forty-fifth Legislature, and the proceeds of the sale of such bonds may be used for purchasing lands, easements, right of ways, structures, and for the construction of improvements, including dams, reservoirs, and all other works suitable for use in connection with the flood control program and projects in said County and the maintenance and operation thereof, and doing all things necessary to the execution of the purposes for which the grant and donation is made; provided, however, that the aggregate amount of bonds to be issued shall not exceed such sum as the donation and grant of the State taxes will service so as to pay interest and to create a sinking fund sufficient to pay said bonds at maturity.

In the event the Commissioners' Court of Harris County, Texas, shall determine by majority vote on a Resolution entered of record, giving the reasons therefor and showing that a necessity exists for utilizing any tax funds hereafter donated and

granted by the State of Texas for the issuance of bonds in order to facilitate the construction of improvements and make funds immediately available, said bonds may be issued in the form and manner hereinafter prescribed. The bonds so authorized and issued in accordance with the provisions of this Act need not be issued at one time. The amount of money necessary to provide a sinking fund to mature said bonds and to pay the interest thereon shall be set aside annually from the first of such hereafter donated and granted funds received from the Assessor and Collector of Taxes and said funds may not be diverted to any other purpose. Officers of the County and the Depository are forbidden to authorize the payment of any amount from said State taxes hereafter so donated and granted until there has first been set aside therefrom an amount sufficient to cover all servicing charges for the bonds for the year. Thereupon and after the Auditor has filed a certificate showing the deposit to the interest and sinking fund of a sufficient amount to cover such servicing charges for the year, any taxes hereafter donated, granted, diverted or remitted to Harris County or the Flood Control District created herein by the State of Texas under the terms of H. B. 24 or H. B. 158, Acts Regular Session, Forty-fifth Legislature, collected during the remainder of the year may be utilized for purposes consistent with this Act. Should the necessity arise, the Commissioners' Court may supplement from its general funds any State taxes hereafter donated and granted, but no tax shall ever be levied or any debt be created against the County for such purpose without a vote of the people. Any bonds issued under this section shall be in accordance with the provisions of subdivisions 1 and 2 of Title 22, R. C. S. 1925 and any amendments thereto.

Sec. 13. Validity. If any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Act shall not be affected thereby, it being the intent of the Legislature in adopting, and of the Governor in approving this Act, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason

of any unconstitutionality or invalidity of any other portion, provision, or regulation.

Sec. 14. Repeal. All laws or parts of laws in conflict herewith and particularly Senate Bill 447, passed at the Regular Session of the Forty-fifth Legislature, are hereby expressly repealed.

Sec. 15. Emergency. The crowded condition of the calendar and the near approach of the end of the session and the fact that a large area of public and private lands, highways, homes, and other property are periodically subjected to destruction and loss, and that the lives of persons have been lost and are continuously jeopardized, and that navigation in the navigable waters of Harris County is imperiled to such extent as to create a public calamity, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Moore moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—22.

Aikin	Nelson
Beck	Newton
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Head	Shivers
Holbrook	Spears
Isbell	Van Zandt
Moore	Weinert
Neal	Westerfeld

Absent.

Hill	Stone
Lemens	Sulak
Oneal	Winfield
Small	Woodruff

Absent—Excused.

Davis

Report of Conference Committee on House Bill No. 55.

Senator Hill submitted the following report of the Free Conference Committee on H. B. No. 55:

Hon. R. W. Calvert, Speaker of the House of Representatives;

Hon. Walter F. Woodul, President of the Senate.

Sirs: We, your Free Conference Committee, appointed to adjust the difference between the Senate and House on H. B. No. 55, have had the same under consideration and recommend that the bill do pass in the form hereto attached.

Respectfully,

HILL,
LEMENS,
AIKIN,
BECK,
COTTEN,

On the part of the Senate.

ALSUP,
BROWN,
HANKAMER,
THORNTON,
TARWATER,

On the part of the House.

A BILL

To Be Entitled

An Act to amend Article 2687, Revised Civil Statutes of Texas, of 1925, so as to provide for the payment of salaries of the County Board of Trustees out of the State and County Available School Fund, and providing that the provisions of this Act shall be cumulative of all existing laws on the subject, and shall, in no wise, repeal any special or local laws on the subject of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this Act, Article 2687, Revised Civil Statutes of Texas, of 1925, shall read as follows:

"Article 2678. Meetings. The County School Trustees shall hold meetings once each quarter, on the first Monday in August, February, May, and November, or as soon thereafter as practicable, and at other times when called by the President of the County School Trustees or at the instance of any two (2) members of the County School Trustees and the County Superintendent, the meeting place to be at the county seat and in the office of the County Superintendent. Each Trustee shall be paid Three Dollars (\$3.00) per day, but not to exceed Thirty-six Dollars

(\$36.00) in any one year, for the time spent in attending such meetings, out of the State and County Available School Fund by warrants drawn on order of the County Superintendent and signed by the President of the County School Trustees, after approval of the account, properly sworn to by the President of the County School Trustees."

Sec. 2. The provisions of this Act shall be cumulative of all existing laws on the subject, and shall, in no wise, repeal any special or local laws on the subject of this Act.

Sec. 3. The fact that the General Fund of the counties is very much depleted, the same making it impossible to pay the County School Trustees regularly, creates an emergency and an imperative public necessity, requiring the Constitutional Rule that bills shall be read on three several days should be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Hill moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Redditt
Brownlee	Roberts
Burns	Shivers
Collie	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Pace	Woodruff
Rawlings	

Nays—1.

Cotten

Absent.

Beck	Newton
Nelson	Oneal

Absent—Excused.

Davis

Motion to Set House Bill No. 347 as a Special Order.

Senator Cotten moved that H. B. No. 347 be set as a special order for

next Wednesday, May 12, 1937, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15.

Burns	Shivers
Cotten	Spears
Head	Sulak
Hill	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Oneal	

Nays—13.

Aikin	Pace
Beck	Redditt
Brownlee	Roberts
Collie	Small
Holbrook	Stone
Neal	Woodruff
Nelson	

Present—Not Voting.

Rawlings

Absent.

Newton

Absent—Excused.

Davis

Motion to Take Up Senate Bill No. 7.

Senator Holbrook moved that the regular order of business be suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 7, A bill to be entitled "An Act to provide for the repeal of that Section of Article 5420 of the Revised Civil Statutes of the State of Texas, 1925, giving the State the right to file land suits in Travis County instead of the county where the land is situated, to repeal such portion of such Section, to require that suits already filed but not tried to be transferred or moved to the proper court in the county where the land is situated, to provide that such suits must hereafter be brought in the county where the land involved or any part thereof may lie, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17.

Beck	Roberts
Burns	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Weinert
Moore	Westerfeld
Neal	Winfield
Rawlings	

Nays—12.

Aikin	Oneal
Brownlee	Pace
Collie	Redditt
Cotten	Sulak
Lemens	Van Zandt
Nelson	Woodruff

Absent.

Newton

Absent—Excused.

Davis

House Bill No. 5 Set as Special Order.

Senator Small moved that H. B. No. 5 be set as a special order for next Wednesday, May 12, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—22.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Roberts
Cotten	Shivers
Head	Small
Hill	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield

Nays—7.

Collie	Spears
Holbrook	Weinert
Nelson	Woodruff
Redditt	

Absent.

Newton

Absent—Excused.

Davis

Committee Substitute for Senate Bill No. 185 on Engrossment.

Senator Van Zandt moved that C. S. for S. B. No. 185 be called from

the President's table for further consideration at this time.

The motion prevailed by the following vote:

Yeas—22.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Collie	Roberts
Cotten	Small
Head	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Nelson	Woodruff

Nays—6.

Burns	Shivers
Holbrook	Spears
Moore	Weinert

Absent.

Newton

Redditt

Absent—Excused.

Davis

The President then laid C. S. for S. B. No. 185 before the Senate, on its passage to engrossment (the bill having been read second time and tabled subject to call today); with amendment by Senator Cotten pending.

Senator Aikin offered the following amendment to the amendment:

Amend C. S. for S. B. No. 185, page 7 by adding after the word "State" in line 11, the following:

"Provided, however, that no aid shall ever be withheld from any school on account of said schools failure or refusal to buy any books, equipment, charts, or school supplies regardless of whether or not the State Superintendent of Public Instruction or State Board of Education has approved or suggested any of the above named.

The amendment to the amendment was adopted.

(Senator Rawlings in the Chair.)

Senator Van Zandt offered the following amendment to the amendment:

Amend Cotten substitute to C. S. for S. B. No. 185 by striking out all

of Section 2, and substituting in lieu thereof the following:

Sec. 14. (Administration Costs.) All expenditures for costs of administering the various funds named in this Act shall be paid out of the moneys appropriated and allocated in this Act and such expenditures shall not exceed the amounts authorized by the general biennial appropriation bill for the years ending August 31, 1938, and August 31, 1939.

It is herein specifically provided that Three Million Three Hundred and Forty Thousand (\$3,340,000.) Dollars of the moneys appropriated in Section 1 of this Act is hereby specifically allocated for the purpose of equalizing Rural Aid in teachers' salaries and transportation to be administered under the provisions of this Act; Eight Hundred and Seventy Thousand (\$870,000.) Dollars of the appropriation made in Section 1 of this Act is hereby allocated to a High School Tuition Fund and to be expended in accordance with the provisions of Section 10 of this Act and under the control and approval of the State Board of Education; Six Hundred and Forty Thousand (\$640,000.) Dollars of said moneys is hereby allocated for matching Federal monies in an amount of 52.89% of such monies appropriated and allocated for vocational agriculture, home economics, trades and industries, and general rehabilitation, and said \$640,000.00 is separated and allocated for said purposes:

Vocational Agriculture	\$275,028.00
Trades and Industries	119,002.50
Home Economics	198,337.50
Vocational Rehabilitation	47,632.00

and to be administered according to the Federal Laws governing vocational education; One Hundred and Fifty Thousand (\$150,000.) Dollars of said moneys is hereby allocated to support the State's rehabilitation program for crippled children, each of the above named allocations being for each year of the biennium.

Provided that the Department of Vocational Rehabilitation is hereby authorized to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Aikin offered the following amendment to the bill as amended:

Amend C. S. for S. B. No. 185, page 5, line 1, striking out the words and figures Four Hundred (400) and insert in lieu thereof, the words and figures Six Hundred (600) and by striking out in line 2 the words and figures Five Hundred (500) and insert in lieu the words and figures (600) Six Hundred.

The amendment was adopted.

Senator Aikin offered the following amendment to the bill as amended:

Amend C. S. for S. B. No. 185, page 5, Section 15 by striking out all of said Section and insert in lieu thereof the following:

"It shall be the duty of the State Superintendent of Public Instruction to make such rules and regulations not inconsistent with the terms of this Act, and which shall be approved by the State Board of Education for its administration. The State Superintendent of Public Instruction is hereby authorized to appoint not to exceed twenty-four (24) Deputy State Superintendents or Inspectors, and make a written report on each and every school making application for funds appropriated by this Act. The State Superintendent is further authorized to appoint one director of rural aid whose title shall be Director of Rural Aid, and whose salary shall be fixed in the Departmental Appropriation Bill passed by the Legislature. The State Superintendent of Public Instruction is further authorized to appoint one secretary to the Director of Rural Aid. Salaries for all of the above named positions shall be fixed in the Departmental Bill passed by the Legislature."

Senator Weinert moved the previous question on the pending amendment and the passage of the bill to engrossment, and the motion was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—10.

Burns	Spears
Moore	Van Zandt
Neal	Weinert
Pace	Westerfeld
Redditt	Woodruff

Nays—18.

Aikin	Lemens
Beck	Nelson
Brownlee	Oneal
Collie	Rawlings
Cotten	Roberts
Head	Shivers
Hill	Stone
Holbrook	Sulak
Isbell	Winfield

Absent.

Newton Small

Absent—Excused.

Davis

(President in the Chair.)

Senator Moore moved the previous question on the pending amendment and the passage of the bill to engrossment, and the motion was duly seconded.

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—10.

Burns	Redditt
Cotten	Spears
Head	Van Zandt
Moore	Weinert
Pace	Woodruff

Nays—18.

Aikin	Oneal
Brownlee	Rawlings
Collie	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Stone
Lemens	Sulak
Neal	Westerfeld
Nelson	Winfield

Absent.

Beck Newton

Absent—Excused.

Davis

Senator Moore moved the previous question on the pending amendment, and the main question was ordered.

Question then recurring on the

amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—16.

Aikin	Roberts
Brownlee	Small
Hill	Spears
Holbrook	Stone
Lemens	Sulak
Nelson	Weinert
Oneal	Winfield
Redditt	Woodruff

Nays—12.

Burns	Neal
Collie	Pace
Cotten	Rawlings
Head	Shivers
Isbell	Van Zandt
Moore	Westerfeld

Absent.

Beck Newton

Absent—Excused.

Davis

Question—Shall C. S. for S. B. No. 185 be passed to engrossment?

Report of Conference Committee on Senate Bill No. 144.

Senator Lemens submitted the following report of the Conference Committee on S. B. No. 144:

Hon. Walter F. Woodul, President of the Senate;

Hon. R. W. Calvert, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee, heretofore appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 144, have had same under consideration and recommend that said S. B. No. 144 be passed in the form attached hereto.

Very truly yours,

LEMENS,
REDDITT,
SHIVERS,
BROWNLEE,

On the part of the Senate.

FOX of Williamson,
KELT,
LANKFORD,
JONES of Wise,
POWELL,

On the part of the House.

By Redditt and
Lemens.

S. B. No. 144.

A BILL
To Be Entitled

An Act amending Article 4925 and 4926, Revised Civil Statutes, 1925, so as to clarify the same by providing that the total recoveries permitted on the bonds therein provided for shall not exceed the face value of the bonds, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4925, Revised Civil Statutes, 1925, is hereby amended so as to hereafter read as follows:

"Article 4925. Every fire insurance company, not organized under the laws of this State, applying for a certificate of authority to transact any kind of insurance in this State, shall, before obtaining such certificate, file with the Commissioner a bond, with good and sufficient surety or sureties, to be approved by and to be payable to the Commissioner and his successors in office, in a sum equal to twenty five per cent (25%) of its premiums collected from citizens or upon property in this State during the preceding calendar year, as shown by its annual report for such year. The bond in no case shall be less than Ten Thousand (\$10,000.00) Dollars, nor more than Seventy-five Thousand (\$75,000.00) Dollars, conditioned that said company will pay all its lawful obligations to citizens of this State. Such bonds shall be subject to successive suits by citizens of this State so long as any part of the same shall not be exhausted, and the same shall be kept in force until all claims of such citizens arising out of obligations of said company have been fully satisfied, but in no event shall the total recoveries permitted on said bonds exceed the face value thereof. Such bonds shall provide that in the event the company shall become insolvent or cease to transact business in this State, at any time, when it has outstanding policies of insurance in favor of citizens of this State, or upon property in this State, the Commissioner shall have power, after having given ten (10) days notice to the officers of such company, or any receiver in charge of its property and affairs, to contract with any other

insurance company transacting business in this State for the assumption and reinsurance by it of all the insurance risks outstanding in this State of such company which is insolvent, or which has ceased to transact business in this State, which contract shall also provide for the assumption by such reinsurance company of all outstanding and unsatisfied lawful claims then outstanding against such company which has become insolvent, or ceased to transact business in this State. In the event of the Commissioner making any such contract, and if the same shall be approved as reasonable by the Attorney General and the Governor of this State, the reinsuring company shall be entitled to recover from the makers of such bond the amount of the premium or compensation so agreed upon for such reinsurance. Any company desiring to do so may, at its option, in lieu of giving the bond required by this Article, deposit securities of any kind in which it may lawfully invest its funds with the State Treasurer upon such terms and conditions as will in all respects afford the same protection and indemnity as herein provided for to be afforded by said bond."

Sec. 2. Article 4926, Revised Civil Statutes, 1925, is hereby amended so as to hereafter read as follows:

"Article 4926. Every fire insurance company, not organized under the laws of this State, hereafter issuing or causing or authorizing to be issued, any policy of insurance other than life insurance, shall first have filed with the Commissioner during the calendar year in which such policy may issue, or authorize or cause to be issued, a bond of good and sufficient sureties to be approved by such Commissioner in a sum of not less than Ten Thousand (\$10,000.00) Dollars, conditioned for the payment of all lawful obligations to citizens of this State arising out of any policies or contracts issued by such fire insurance company; which such bonds shall be subject to successive suits by citizens of this State so long as any part of the same shall not be adjusted, and so long as there remains outstanding any such obligations or contracts of such fire insurance company, but in no event shall the total recoveries permitted

on said bond exceed the face value thereof. This Article shall not apply to any person, firm or corporation, or association, doing an inter-insurance, co-operative or reciprocal business."

Sec. 3. The fact that these statutes are now ambiguous with reference to the amount of recovery to be had on the bond therein provided for, and the importance of this Legislation, and the crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—19.

Aikin	Rawlings
Beck	Redditt
Brownlee	Roberts
Cotten	Small
Head	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Winfield
Neal	

Nays—7.

Burns	Weinert
Hill	Westerfeld
Pace	Woodruff
Shivers	

Absent.

Collie	Newton
Nelson	Oneal

Absent—Excused.

Davis

House Bill on First Reading.

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 1143, to Committee on Finance.

House Concurrent Resolutions Referred.

H. C. R. No. 106 and H. C. R. No. 124, received from the House today, were laid before the Senate,

read severally, and referred respectively to the Committee on Public Buildings and Grounds and the Committee on Educational Affairs.

Report of Conference Committee on House Bill No. 982.

Senator Shivers submitted the following report of the conference committee on H. B. No. 982:

Austin, Texas, May 10, 1937.
Hon. R. W. Calvert, Speaker, House of Representatives;

Hon. Walter F. Woodul, President of the Senate.

Gentlemen: We, your Conference Committee, appointed to adjust differences between the House and the Senate on H. B. No. 982, have had same under consideration, and beg leave to report that we recommend the passage of H. B. No. 982 in the form attached hereto.

Respectfully submitted,

SHIVERS,
MOORE,
WESTERFELD,
WINFIELD,
RAWLINGS.

On the part of the Senate.

NICHOLSON,
HOWARD,
HULL,
DICKISON,
STINSON.

On the part of the House.

By Nicholson, et al. H. B. No. 982.

**A BILL
To Be Entitled**

An Act amending Section 1 of Chapter 129, Page 356, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of Chapter 129, Acts of the Regular Session of the Forty-fourth Legislature, Page 356, be and the same is hereby amended so as to hereafter read as follows:

"In all counties of this State having a population of more than one hundred thousand (100,000), and not in excess of two hundred and fifty thousand (250,000) inhabitants, according to the last preceding Federal Census, no person who is a candidate in a primary election of such

county for nomination for State Senator or Representative in the Legislature, shall have his or her name placed on such primary ballot unless and until he or she has paid to the County Executive Committee of such county a sum to be fixed by such Executive Committee not to exceed Fifty Dollars (\$50) as his or her portion of the expenses for holding such primary election; and in all counties of this State having a population of more than two hundred and fifty thousand (250,000) inhabitants, according to the last preceding Federal Census, no person who is a candidate in a primary election of such county for nomination for State Senator or Representative in the Legislature, shall have his or her name placed on such primary ballot unless and until he or she has paid to the County Executive Committee of such county a sum to be fixed by such Executive Committee, not to exceed One Hundred and Fifty Dollars (\$150), as his or her portion of the expenses for holding such primary election; and such candidate shall not be required to pay any other sum, or sums, to any other person or committee to have his or her name placed on the ballot as such candidate; except that any such candidate whose district includes another county or counties of less than one hundred thousand (100,000) population, according to the last Federal Census, shall pay to the Executive Committee of such other county, or counties, as may be in such candidate's district, an additional sum of One Dollar (\$1) and no more in each of said counties, to have his or her name placed on the ballot in each of such other counties."

Sec. 2. All laws, or parts of laws, in conflict herewith are hereby repealed as to those portions of such law or laws, as are in conflict herewith.

Sec. 3. The fact that the Executive Committees do not have the right to assess a fee in excess of One Dollar (\$1), and the further fact that this is causing financial difficulties to exist in the financing of primary elections in certain counties, create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall

take effect from and after its passage, and it is so enacted.

On motion of Senator Shivers the report was adopted.

Free Conference Committee on House Bill No. 547.

Senator Head moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 547 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following free conference committee on the bill on the part of the Senate:

Senators Head, Redditt, Cotten, Oneal and Isbell.

Free Conference Committee on House Bill No. 24.

Senator Van Zandt moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 24 be granted.

The motion prevailed.

Senate Bills on First Reading.

(By Unanimous Consent.)

The following (local) bills were introduced, read first time and referred to the committees indicated:

By Senator Westerfeld:

S. B. No. 514, A bill to be entitled "An Act providing for the use of Funds arising under House Bill No. 258 and Known as the Firemen's Relief and Retirement Fund Law, passed by the Forty-fifth Legislature at its Regular Session, in cities having a population of more than 240,000 and less than 275,000, according to the last preceding census, and having a fully paid Fire and Police Department, and having in force a joint firemen, policemen and fire alarm operators pension system, established under the State Law, providing that such fund shall be paid into such regularly established firemen, policemen and fire alarm operators pension fund and be administered under said law, and declaring and emergency."

Referred to Committee on Towns and City Corporations.

By Senator Neal:

S. B. No. 515, A bill to be entitled "An Act to amend H. B. No. 750 as

passed by the Forty-fifth Legislature, Regular Session, providing an open season for the killing of wild mourning doves and white winged doves in the north zone and south zones as outlined and defined in Article 878 of the Penal Code of the State of Texas, 1925, as amended by Chapter 222, Acts of the Forty-fourth Legislature, Regular Session; creating a new zone to be known as the Gulf Coastal zone, and declaring an emergency."

Referred to Committee on Game and Fish.

House Bill No. 1150 on Second Reading.

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1150, A bill to be entitled "An Act amending Section 7, Chapter 49, Local and Special Laws of the Thirty-fifth Legislature, Regular Session, creating the San Antonio Independent school District, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Spears and by unanimous consent, the Senate rules requiring printed copies of a bill to be on the desks of Senators 24 hours before consideration of the bill and requiring the report on a bill to lie over one day before consideration of the bill, were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 1150 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Brownlee
Beck	Burns

Collie	Rawlings
Cotten	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff

Absent—Excused.

Davis

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—18.

Aikin	Newton
Beck	Rawlings
Burns	Roberts
Head	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Winfield
Neal	Woodruff

Nays—12.

Brownlee	Pace
Collie	Redditt
Cotten	Shivers
Hill	Van Zandt
Nelson	Weinert
Oneal	Westerfeld

Absent—Excused.

Davis

Adjournment.

Senator Stone moved that the Senate adjourn today in memory of President H. Y. Benedict of The University of Texas, who died this afternoon, and that the Senate adjourn until 10:00 o'clock a. m. next Wednesday, May 12, 1937.

Senator Woodruff moved that the Senate recess to 8:00 o'clock p. m. today.

The motion to adjourn prevailed, and the Senate, accordingly, at 6:20 o'clock p. m., adjourned until 10:00 o'clock a. m. May 12, 1937.

Record of Votes.

Senators Aikin, Hill, and Isbell asked to be recorded as voting "nay" on the motion to adjourn.

APPENDIX.

Bill Filed in Department of State.

Austin, Texas, May 8, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a bill passed by the Forty-fifth Legislature which was filed in this office Friday, May 7, 1937:

H. B. No. 600:

Vote in Senate, yeas 27, nays 0.

Vote in House, yeas 134, nays 5.

Date signed by the Governor, May 5, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,

Secretary of State.

By: M. E. SANDLIN,

Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,

Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1150, A bill to be entitled "An Act amending Section 7, Chapter 49, Local and Special Laws of the Thirty-fifth Legislature, Regular Session, creating the San Antonio Independent School District, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 976, A bill to be entitled "An Act validating all conveyances

made by Goliad County Commissioners' Court or under their authority of county or public school land and making such conveyance valid whether made at public auction or private sale, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 64, Granting the Trinity Portland Cement Company permission to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 62, Granting certain corporations permission to sue the State for collection of overpayment of franchise taxes.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 63, Granting National Biscuit Company permission to bring suit against the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 10, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. C. R. No. 120, Requesting that
the Board of Control be asked and
instructed to use the vacant space in
the Confederate Home for State office
buildings.

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass, and
be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 10, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. C. R. No. 117, Granting permis-
sion to H. J. Birdsong to sue the
State of Texas and the Highway De-
partment of the State of Texas.

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass, and
be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 10, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Crimi-
nal Jurisprudence, to whom was re-
ferred

H. B. No. 76, A bill to be entitled
"An Act amending Article 4667 of
Title 76 of the Revised Civil Statutes
of the State of Texas, 1925, and
authorizing any citizen of the State
of Texas to sue for injunction against
bullfighting, in addition to the pres-
ent authorization therefor by the At-
torney General or any district or
county attorney, and declaring an
emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass, and
be printed.

STONE, Chairman.

Committee Room,
Austin, Texas, May 10, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Edu-

cational Affairs, to whom was re-
ferred

H. B. No. 1041, A bill to be entitled
"An Act validating all elections and
proceedings had in connection with
the formation of Andrews Independ-
ent School District of Andrews
County, Texas; establishing the
boundaries of said Andrews Inde-
pendent School District; providing
for the Board of Trustees; providing
that said district shall have and ex-
ercise all the rights, powers, priv-
ileges, and duties conferred and im-
posed by the General Laws of this
State upon the trustees of independ-
ent school districts; making the Act
cumulative of General Laws; provid-
ing a saving clause; repealing all
laws and parts of laws in conflict;
providing the Act shall not affect any
taxes for bond purposes heretofore
voted on any part of the territory
included in said district, and declar-
ing an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass, and
be not printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, May 7, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had Senate Bills
Nos. 509, 300, and 500 carefully ex-
amined and compared and find same
correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, May 7, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. J. R. No.
14 carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, May 6, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 395
carefully examined and compared
and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, May 10, 1937,
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 231 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, May 7, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 476, 472, and 247 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

SEVENTY-FOURTH DAY.

(Wednesday, May 12, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Monday, May 10, 1937, was dispensed with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on S. B. No. 515, and on H. B. Nos. 967 and 1061 were submitted by the chairmen of the several committees to which they were

referred. (See appendix for reports in full.)

Senate Concurrent Resolution No. 65.

Senator Woodruff offered the following resolution:

Be It Resolved by the Senate of the Legislature of the State of Texas, the House of Representatives concurring, That the Motor Carrier Act, and amendments thereto, of this State, shall be construed, pending further legislative enactment with reference thereto, to mean that it shall not be necessary for a private carrier to procure a permit from the Railroad Commission of Texas to transport his own goods, wares, and merchandise in his own motor vehicles over the highways of this State; that it was not the intention of the Legislature in enacting the Motor Carrier Act of this State, and amendment thereto, to include the regulation of motor vehicle upon the highway of this State owned by persons, firms, and corporations and operated in the transportation of goods, wares, and merchandise owned by the owner of said vehicles, and be it further

Resolved, That the fact that a seller of merchandise who transports such merchandise from one place to another in the motor trucks owned by the seller, who adds to the sale price of such merchandise at point of delivery a charge to cover a part or all of the cost of transportation is not engaged in transporting for hire, as that term is defined in the Motor Carrier Act of this State, and is not subject to the provisions of said Act nor to any rule or regulation promulgated pursuant thereto by the Railroad Commission of the State of Texas. Be it further

Resolved, That this resolution be published to the Railroad Commission of Texas, the law enforcement officers and the courts of this State.

The resolution was read.

On motion of Senator Woodruff and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.